

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 15781 of 2007(D)

PETITIONERS:

1. K.NARAYANAN NAIR, KOLATH HOUSE,
PIRAVOM P.O., ERNAKULAM DISTRICT.
2. LAKSHMIKUTTY RADHA, W/O.NARAYANAN NAIR,
DO. DO.

BY ADV. SRI.JOSE ABRAHAM

RESPONDENTS:

1. THE MANAGING DIRECTOR,
THE KERALA FINANCIAL CORPORATION LTD.,
VELLAMBALAM, THIRUVANANTHAPURAM.
2. THE BRANCH MANAGER,
KERALA FINANCIAL CORPORATION, PERUMBAVOOR
BRANCH, S.N.D.P. BUILDING, P.P.ROAD, PERUMBAVOOR.
3. THE DEPUTY TAHSILAR (RR),
KERALA FINANCIAL CORPORATION, "FINANCE TOWER",
KALOOR, KOCHI-17.
4. THE DISTRICT COLLECTOR, ERNAKULAM,
COLLECTORATE, KAKKANAD, ERNAKULAM DT.

BY ADV. SRI.P.PARAMESWARAN NAIR, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.15781 OF 2007

DATED THIS THE 31st DAY OF MAY, 2007

JUDGMENT

Heard the learned counsel for the petitioners, the learned standing counsel appearing for the Kerala Financial Corporation and the learned Government pleader.

2. The petitioners availed of a loan from the K.F.C. He sought benefit of one time settlement scheme which was sanctioned and the total liability under the one time settlement scheme was fixed as Rs.30 lakhs. The petitioners remitted the amount directly to the K.F.C. When the petitioner approached the K.F.C for releasing the security documents, they expressed inability to release the same on the ground that without a No Objection Certificate from the Revenue Recovery Authorities, the K.F.C. cannot release the security documents. The petitioners submit that no NOC is required from the Revenue Recovery Authorities since they have paid the amount directly to the K.F.C. and not to the Revenue Recovery Authorities.

3. The learned standing counsel appearing for the K.F.C. submits that since the matter had already been referred to the Revenue Recovery Authorities, they would insist on payment of their

collection charges notwithstanding that the amount was paid directly and that as why the K.F.C is insisting on production of an NOC. The respondent could not bring to my attention any provision of law, whereby the Revenue Recovery Authorities can insist on payment of collection charges even when the amount was directly paid by the party to the Requisitioning Authority. In fact this court had already held that when the amounts are paid directly, no collection charges are payable.

4. In the above circumstances, I am satisfied that the K.F.C. cannot refuse to release the security documents on the ground that the petitioners have not produced any NOC from the Revenue Recovery Authorities. Therefore, I direct the K.F.C. to release the security documents to the petitioners forthwith.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

